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## **9.1 Who Is Eligible?**

Article II, Section 1 of the Constitution of Virginia governs eligibility for voter registration. Any citizen of the United States who meets the following five requirements is eligible to register to vote:

- |                     |  |
|---------------------|--|
| 1) Age:             | Will be eighteen years of age or older by the date of the next general election;   |
| 2) Residence:       | Has domicile and place of abode in Virginia and in the precinct where he intends to vote;  |
| 3) Not a Felon:     | Has not been convicted of a felony, or if so convicted, has had his civil rights restored by the appropriate authority;                                  |
| 4) Mental Capacity: | Has not been adjudicated mentally incompetent (i.e., legally incapacitated) or, if so adjudicated, has had his competency (legal capacity) restored; and |
| 5) Registration:    | Provides all information required by law to be entered on the registration application material to determining qualification to vote.                    |

### **9.1.1 Age Requirement**

To qualify for voter registration, the applicant must be eighteen years of age or older by the date of the next general election.

If someone's eighteenth birthday falls on the date of the next general election that person is eligible for registration. If otherwise qualified, the 17-year old that will turn eighteen by the date of the next general election should be registered and permitted to vote in any intervening special election or primary.

A May election in a town or city is a general election. Except for presidential election years, a person who lives in a locality (or district) that is holding a May general election, and whose birthday falls after that May election, may not be registered until after the books reopen following the May election. In a presidential election year, a 17-year old who will be 18 on or before the presidential election date can register and vote in any intervening presidential primary and primary held on that same day (but not a June primary for example). VERIS will not permit you to approve a registration until the person meets the age requirement.

#### **9.1.1.1 Exception for Presidential Primaries**

In presidential election years, when 17-year olds are permitted to register and vote in the presidential election and presidential election primaries, pollbooks for other elections should not include them. In no event should any voter properly registered for the presidential election be cancelled based on a May election.

Applicants who will be 18 years of age or older by the date of the presidential election in November are eligible to register as soon as the books reopen after the previous November election and vote in any presidential primary and any other primary held on the same day as the presidential primary. [§§ 24.2-403, 24.2-544](#).

### **9.1.2 Residency**

To qualify for registration, a person must have both domicile and place of abode in the precinct for which he is registering. [VA Const.](#) II, 1. Determining residency can be difficult and has a long history. 2009 legislation enacted comprehensive reforms for determining voting residency which include a requirement for SBE to promulgate rules and regulations to assure uniform application of the law. [§ 24.2-404\(D\)](#); See also [§ 24.2-101](#).

As required by the 2009 legislation, the State Board of Elections in 2009 adopted a regulation for determining legal residency for voter registration purposes that was precleared by the United States Department of Justice on October 26, 2009. [1 VAC 20-40-10 to 20-40-60](#). This regulation incorporates longstanding principles from case law and practices of state and local election officials. The regulation recognizes that in order to establish “domicile,” a person must live in a particular locality with the intent to remain there for an unlimited time. The regulations provide detailed definitions and examples for particular situations such as college students and homeless persons.

The residency regulation provides a rule of broad construction to “provide the greatest opportunity to register and vote,” and narrowly limit the circumstances in which an applicant may be required to provide additional information concerning their address. The specific questionnaire form authorized for this purpose, as updated in 2011, is available in Forms Warehouse. [SBE-114 \(6\)](#).

Registrars in Virginia bear initial responsibility for determining if applicants are eligible to vote in their localities; denials of registration are appealable as a matter of right to the circuit court within ten days. [§ 24.2-422](#). The burden of proving domicile rests with the person asserting it. Where a person establishes his domicile may result in consequences unrelated to voting, such as payment of taxes.

Assisting applicants with questions about their legal voting residence can be difficult. Homeless people, college students, military personnel, and people who live in different locations in different seasons present unique issues. In general, this determination is left up to the voter assisted by applicable laws and guidance available on the SBE website. In some cases, the information provided may require the registrar to determine if the applicant has the right to register in the precinct for the address he gives. The registrar must be careful – a decision to deny an application for registration at a certain address cannot be made based on who the applicant is, for example a college student. Denial is appropriate when the information presented shows that the applicant cannot satisfy the constitutional requirement for domicile and place of abode in the precinct.

A denial for insufficient information may be made only after following the procedure prescribed in the regulation. The regulation details circumstances authorizing the registrar to request additional address information using the prescribed form and in some cases, require the registrar to consider other available sources of information. Only if the applicant does not provide the requested information by the last day to register, as established in [§ 24.2-416](#), and the general registrar is unable to determine the applicant's *residence* through any other means, shall the general registrar deny the application. See, [§ 24.2-422\(B\)](#) (outlining the procedure for denial).

The 2009 legislation repealed a list of factors in [§ 24.2-101](#) that previously were cited in the statute as guidelines for determining residency.

#### **9.1.2.1 Persons Whose Domicile Straddles Two Political Subdivisions**

Property boundaries may not follow election district or locality boundaries. When an applicant's domicile and place of abode straddles two (or more) jurisdictions, a decision must be made as to where the person should be registered. If the applicant's dwelling unit falls totally within one jurisdiction, even if a portion of the applicant's property is in an adjacent locality, then the applicant can only be registered in the locality of the dwelling unit. If the dwelling unit straddles the boundary line, then the applicant is deemed to reside in the location of his bedroom or usual sleeping area. [1 VAC 20-40-30 \(E\)](#).

#### **9.1.2.2 Homeless People**

A person with no permanent address may choose to list any address that is an approximation of residence. Examples of possibilities include the following:

- An address used within the last 60 days
- A local church address
- A shelter address
- An agency address

#### **9.1.2.3 College Students**

In addition to the issues already discussed, in determining residency for college students, consider the following:

- College students should register to vote in the city or county in which they are legal residents. See, [SBE webpage on registration and college students](#).
- The student determines and declares the city, county and state in which he or she claims legal residence. This may be the residence where his or her family lives,

or the city or county and state where the school is located. *See in general*, [www.sbe.virginia.gov](http://www.sbe.virginia.gov).

- A college student may claim residency at the school address at which the student lives only a portion of the calendar year if the student otherwise meets the qualifications of legal residence for voter registration.

#### **9.1.2.4 People Living In Different Locations for Different Seasons**

In addition to the issues already discussed, the residency status of persons who live elsewhere for a portion of the year (such as persons who spend winters in warmer climates, migrant workers or persons who live part of the year on a sailboat, for example) must be determined on a case-by-case basis.

#### **9.1.2.5 Military Personnel**

Persons serving in the military, and their spouses and dependents, fall into a special class concerning residence. If a person, upon entering military service, wishes to declare his last residence before entering service (his home of record) as his legal residence, then he is considered to have residence there until he declares a different place his legal residence or leaves the service. This remains true even if the dwelling he declared his home of record and legal residence no longer exists. 1971-9172 Op. Va. Att’y Gen. 153.

Tax laws allow military members to claim a residence for tax purposes only. A military member may be exempt from paying local and state taxes if they file a Certificate of Legal Residence form with the state or local government. The filing of such a form for tax purposes does not automatically mean the service member cannot claim Virginia as their legal residence for voter registration purposes. Op. Va. Att’y Gen. 06-048 (stating “a general registrar may not deny an application for voter registration or cancel the voter registration of a registered voter who is a service member of the armed forces of the United States based solely upon the filing of such certificate.”)

Great care must be taken before denying or canceling the voter registration of a service member. Action to deny registration can only be taken after considering the special rules applicable to military personnel and the relevant facts, which may require consulting SBE staff for guidance. Cancellation must always be authorized under one of the specific grounds detailed in [§ 24.2-427](#). *See*, GREB 7. It is a violation of federal law punishable by a fine and up to five years imprisonment to knowingly deny or attempt to deny rights provided under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA). [18 USC 608](#).

### **9.1.3 Felons**

#### **9.1.3.1 Virginia convictions**

An applicant who has been convicted of a felony in Virginia has lost the right to vote and cannot legally register until his voting rights have been restored by the Governor of Virginia. This process normally takes several years for Virginia convictions depending upon the offense.<sup>1</sup> The Governor has the authority to restore voting rights of persons convicted of felonies in Virginia. [VA Const. V, 12](#). Application to the Governor may be made through the Secretary of the Commonwealth or by circuit court petition. [§§ 53.1-231.1 – 231.2](#). The Secretary of the Commonwealth offers a streamlined review process for completed applications administered by a [Restoration of Rights Director](#). Review criteria include completion of waiting periods depending on the classification of the offense: a shorter waiting period (two years<sup>2</sup>) applies to persons convicted of nonviolent felonies; all court obligations must have been fulfilled. A five year period applies to persons convicted of “violent felonies”. See, [§§ 19.2-297.1, 17.1-805](#) (containing the definition of “violent felony”). Examples of “violent felonies” include drug manufacturing or distribution offenses, burglary, and kidnapping. Individuals convicted of such crimes must complete a five year period free of any suspended sentence, parole, or supervised probation and further must not have any DWI convictions within the five years immediately preceding the application. Election law offenses are treated like violent felonies insofar as they require the longer waiting period.

#### **9.1.3.2 Convictions in other states**

Persons convicted in other states or under federal law, may have their rights restored by “other appropriate authority” determined by the law of the convicting jurisdiction. Other state laws may provide for restoration through much simpler even automatic processes. Thus, a citizen moving to Virginia whose rights have been restored in the convicting state may register to vote in Virginia indicating restored felon status on the Virginia voter registration application. See [1999 Va. Att’y Gen. Op. 99-087](#). The Secretary of the Commonwealth or State Board of Elections staff may be able to assist with researching the restoration requirements for other states.

#### **9.1.3.3 Verification**

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<sup>1</sup> The pendency of an appeal does not prevent loss of voting rights. A voter whose registration is cancelled based on a conviction later reversed on appeal should submit a new voter registration application.

<sup>2</sup> Updated 7/2010; formerly a 3-year waiting period applied to nonviolent felonies.

**Registration and voting by convicted felons whose rights have not been restored can result in further prosecution for felony false statements or misdemeanor illegal voting. See GREB 23. Therefore, it is incumbent on general registrars to do all that is possible to correct misunderstandings that may have been created by voter registration drives.**

Applicants may not know whether they have been convicted of a felony versus a misdemeanor, or whether their rights have been restored. The registrar may, as a matter of courtesy, work with the applicant, the SBE, or other state authorities to help the applicant make this determination. However, the responsibility for such determinations ultimately rests with the applicant who may need legal counsel. The applicant may be able to tell the registrar in which court he or she was convicted, what the specific conviction was for, or other pertinent information that can be utilized to determine if the conviction was for a felony. If the proper classification is uncertain and cannot readily be determined from available information, the general registrar should request assistance from the Commonwealth's Attorney who represents the general registrar on registration matters. See [§24.2-422](#).

Applicants whose rights have been restored may provide the registrar documents showing the restoration of their voting rights or simply provide the restoration date on the registration application. If the applicant only provides the restoration date, the registrar must contact the applicant to determine the convicting jurisdiction and if Virginia, verify the date of restoration with the [Secretary of the Commonwealth's Office](#). The SBE Voter Registration Coordinator is responsible for verifying restoration dates in compliance with applicable legal requirements.

A general registrar may request documentation to confirm the restoration of voting rights of a person previously convicted of a felony. Op. Va. Att'y Gen. 06-048. The registrar may request such documentation from the applicant or may contact the Secretary of the Commonwealth through SBE staff to determine if an applicant's voting rights have been restored.

If a felony conviction occurred in another state, it is possible that voting rights were never lost, or that they have been restored automatically. The applicant cannot legally register unless one of the following is the case:

- The convicting state's laws do not remove voting rights in the first place.
- The convicting state's laws restore rights automatically.
- The applicant has successfully had his rights restored by the appropriate authority in the convicting state.

If an applicant is not eligible to register, then the registrar should provide appropriate information to the applicant about the restoration-of-rights process. An applicant who disagrees with the registrar's determination may submit an application and appeal the denial to the circuit court. [§ 24.2-422](#).

#### **9.1.3.4 Juvenile Convictions**

Sometimes an applicant will ask, "I was convicted of a felony as a juvenile. Can I register to vote?" or, "How do I answer the felony question?"

If the juvenile's case was heard entirely in the Juvenile and Domestic Relations District Court, she could not have been convicted of a felony. The person may register to vote if otherwise eligible, and should answer "no" to the felony question on the application.

If the juvenile's case was transferred to the Circuit Court ("adult court"), she was tried as an adult and may have been convicted of either a felony or a misdemeanor.

If a juvenile was transferred and tried as an adult, and convicted of a felony in the Circuit Court, she has lost his voting rights until those rights are restored by the Governor. She should answer "yes" to the felony question on the voter registration application.

The place where the juvenile served her sentence (e.g. Department of Juvenile Justice facility as opposed to Department of Corrections' facility) does not necessarily indicate whether she was convicted of a felony as an adult. The most important factors are which court heard the case and the details of the conviction if it was heard in Circuit ("adult") Court.

#### **9.1.4 Persons Adjudicated Incapacitated**

The Virginia Constitution states, "no person adjudicated to be mentally incompetent shall be qualified to vote until his competency has been reestablished." [VA Const. II, 1](#). It has been further codified that "no person adjudicated incapacitated shall be qualified to vote unless his capacity has been reestablished as provided by law." [§ 24.2-101](#). The terms "incompetent" and "adjudicated incapacitated" are equivalent for voting purposes. Op. Va. Att'y Gen. 2001-102.

Adjudications of incapacity result in loss of voting rights unless a court order expressly preserves voting rights. [§ 37.2-1000](#). Circuit court clerks are required to furnish voting officials with lists of persons incompetent to vote due to adjudications of incapacity. [§ 24.2-410](#). The lists provided should not include any persons for whom voting rights were preserved. *See*, GREB 7.

Only a court adjudication of incapacity can take away a person's voting rights for mental incompetence. A person may be completely unaware of their surroundings, even comatose, but if the matter has not been to court, that person retains their voting rights. However, it is a crime to try to "vote that person" - no matter how noble the aims may be (e.g., "I know how my family member would have wanted to vote"). Improperly completing an absentee ballot application, signing another's name, or otherwise rendering



improper assistance, must be referred to the Commonwealth's Attorney in the locality in which the votes were cast or were attempted to be cast. *See*, GREB 23.

## **9.2 Methods of Registration**

It is possible to apply for registration in several ways, but an applicant does not become registered until the application is reviewed and accepted by the Office of the General Registrar. This distinction is important. Applications taken by personnel at the Department of Motor Vehicles or other agencies are only applications; they are not legally effective as registrations until a general registrar accepts them as complete and valid. In certain legally defined situations, the law allows for a registration to relate back or be considered effective as of the date of application. For example, in the context of provisional voting, the electoral board is allowed to count the provisional ballot of a voter whose name does not appear on the pollbook but who can provide evidence of having submitted a timely registration application to the Department of Motor Vehicles or other state-designated voter registration agency prior to the close of registration (note, they must be otherwise qualified to vote). [§§ 24.2-415.1](#) and [24.2-653](#). Similarly, a registration is also timely if (1) it is postmarked on or before the close of books deadline, or (2) when there is no postmark, if the mailed application is received within five days after that deadline. [§ 24.2-416.4](#). In these specially defined situations, an application is given legal effect prior to its having been approved by the registrar but only after the registration is approved by local voting officials.

The law provides five basic ways of applying for registration:

- by application at the polls to an officer of election on election day (may be part of voting provisionally) (effective for future elections unless eligible for late registration at the registrar's office under [§24.2-420](#)).
- in person before a registrar
- by application to a state designated voter registration agency such as a DMV, or a local Department of Social Services
- by directly mailing an application to the general registrar
- by third-party voter registration

### **9.2.1 In-Person before a Registrar**

“In-person” applications may be completed in the primary or permanent satellite office of the general registrar or at a special registration site established in accordance with [§ 24.2-412](#) and the Voting Rights Act preclearance unless bailed out. See GREB 24. While the applicant is still present, the general registrar should review the submitted application for legibility and completeness, including signature. No applicable spaces may be left blank and applicants should be instructed to enter “none,” “N/A”, a dash, or other appropriate mark in sections of the application that do not apply. Address any eligibility issues with the applicant. There are no ID requirements to register to vote in-person before a

registrar. “Registrar” includes the general registrar, or any assistant or special assistant serving as provided in [§§ 24.2-109, 24.2-112 and 24.2-113](#). See, [§ 24.2-411](#).

#### **9.2.1.1 In the Voter Registration Office**

Eligible Virginia residents may complete in person applications for registration before any registrar at the registrar’s office during legally authorized official business hours only.

The registrar, or the electoral board, may establish additional office hours for registration beyond those normally scheduled. Unless the locality has bailed out from Section 5 of the Voting Rights Act, additional hours must be precleared. All localities must comply with the public notice and advertising requirements of [§ 24.2-415](#) (at least 10 days advance notice and publication for the final day and 3 days advance notice for other times and locations outside regular office hours).

On the final day of registration preceding an election, applications must be accepted until the office's scheduled closing time. At that time, the general registrar must list all applicants in line whose applications if complete will be accepted as timely. [§ 24.2-414](#).

#### **9.2.1.2 Other Registration Sites**

As an alternative or in addition to expanded office hours, the general registrar or electoral board may establish additional registration sites to meet the registration needs of the locality. Like additional office hours, these additional sites must be pre-cleared in localities that have not bailed out and advertised to the public as required by [§ 24.2-415](#) (at least 10 days advance notice and publication for the final day and 3 days advance notice for other times and locations outside regular office hours). 2012 legislation amends §24.2-415 to require posting notice on the locality website if applicable.

SBE encourages each general registrar to establish a time for registration in each local high school at least annually. High school registration should be held in the spring, when most seniors meet age requirements. When scheduling, be aware of close of books deadlines for town or city elections that might affect new registrants. Before the high school visit, the school administration and government teachers should be contacted about arranging an opportunity to speak to the students about voter rights and responsibilities and to encourage service as a volunteer or officer of election. The classroom offers a good opportunity to explain the registration and voting process, including information on absentee voting while in college or the military and answer questions. Many students may not be aware of their right to register and vote in certain elections based on their attaining age 18 by the next general election.<sup>3</sup> Students also need

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<sup>3</sup> Seventeen year olds who register based on being age 18 by the next general election may vote in intervening primaries and special elections. [§ 24.2-403](#). They may also vote in presidential primaries in

to be educated about the importance of informing the registrar when they change residences and about the serious criminal penalties for falsifying documents or voting twice. *See*, GREB 23. If possible, hold a second registration site in the high schools prior to the close of books for any November general election and again before the close of books for any presidential primary.

### 9.2.1.3 Preclearance of Other Registration Sites


If your locality is covered under Section 5 of the Voting Rights Act, any additional registration site must be pre-cleared. If the same site is regularly used at the same time every year, an ongoing blanket approval of the site may be requested to avoid the need to resubmit each year.

The Department of Justice has 60 days to object to any site after it has received a complete submission. Expedited consideration can also be requested. *See*, GREB 24.

### 9.2.1.4 Advertising Times and Sites

Any extended public hours in the registrar's office and any additional site must be advertised. Localities that have not bailed out must also have changes in times and places for registration pre-cleared. *See*, GREB 24. There are several laws governing advertising of sites [§ 24.2-415](#):

- At least 10 days before each final registration day for a primary or general election, the registrar must give notice of all scheduled dates, hours, and places of voter registration on the final day. Shorter times apply for special elections. This notice must be published on the locality website if applicable and published in a newspaper of general circulation.

 **Best Practice:** Publish notice with a cushion to allow for correction such as 10 days plus one week before the close of books for a general or primary election.

- Any additional sites not announced in the published notice must be advertised at least three days in advance of holding the site by posting on the locality website if applicable and either a newspaper advertisement or an announcement that runs at least twice on a television station serving the locality.
- Notice is not required for regular general registrar and co-located office operations or provision of mail-in forms at public or private locations without an authorized government employee present.<sup>4</sup> For example, [§24.2-416.3](#) provides for

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municipalities with May general elections based on being age 18 by the November presidential election. §§ 24.2-403, 24.2-544.

<sup>4</sup> Employees of DMV and other state designated voter registration agencies and Armed Forces recruiters are statutorily authorized to receive voter registration applications. § 24.2-415.1. It is the participation of

registration applications to be available through agents of the Department of Game and Inland Fisheries statewide but these agents are not authorized to accept applications and the applicants are responsible for sending them to the appropriate registrar.

### **9.2.2 Registration through Agencies**

As part of the National Voter Registration Act (NVRA), certain public agencies must offer to accept registration applications from all of their clients at their state, regional, or local offices. [§ 24.2-411.2](#). The opportunity to apply to register is provided at the time of the client's original application for services and when filing for re-certification, re-admission, renewal, or change of name or address. Agency personnel must assist clients with completing voter registration forms as they would for their own forms unless the applicant refuses such assistance. [42 USC 1973gg-5](#). The law does not specify what assistance must be provided and allows flexibility to develop solutions to accommodate particular needs of persons with disabilities. [§ 51.5-43](#). For example, Spanish speaking clients may be referred to approved SBE Spanish translations of the Virginia Voter Registration Application and other forms; applicants the Election Assistance Commission also offers an approved Spanish translation of the national voter registration form. The federal [Election Assistance Commission](#) is making available on its website translations of the national form in additional languages such as Korean. *See*, GREB 8. Designated agency personnel do not consider issues of client eligibility to register to vote. Eligibility determination is the responsibility of the General Registrar.

The state office of each designated public agency sets policy for distributing, displaying, collecting and returning applications in accordance with NVRA requirements.

The SBE distributes display boxes, application forms, and other needed supplies to all appropriate agencies. Registrars should be prepared to supplement these when needed.

The Code of Virginia designates the following agencies as registration sites in accordance with NVRA:

- Department of Motor Vehicles
- Department of Health
- Department of Social Services
- Department of Rehabilitative Services
- Department for the Deaf and Hard of Hearing
- Department of Mental Health, Mental Retardation & Substance Abuse Services
- Department for the Blind and Vision Impaired
- Virginia Office for Protection and Advocacy

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one of these authorized government employees or a registrar that triggers the requirements for preclearance and public notice, as well as the prohibition on combining voter registration and campaigning in § 24.2-1003.

- Virginia Employment Commission in Northern Virginia (Planning District 8)
- Regional offices of the Department of Game and Inland Fisheries
- Armed Forces Recruitment Offices
- Any other agencies (such as community services boards) whose primary function is to provide state-funded programs to persons with disabilities

Agencies are required to forward applications within five business days of receipt. The agency can mail the applications to the SBE. [§ 24.2-411.1](#)(G).

#### **9.2.2.1 Registration at the Department of Motor Vehicles**

Any person who comes to an office of the Department of Motor Vehicles to apply for, replace, renew, or change an address on a driver's license or special identification card ("qualifying transactions") must be given the opportunity to apply for voter registration at the same time. [§ 24.2-411.1](#). Although the law does not dictate the form of the voter registration application to be used at DMV offices, it does specify that the form cannot duplicate information required on the license part of the application and should require only the minimal amount of additional information necessary for a registrar to determine the applicant's eligibility to register to vote.

If an applicant does not sign the registration portion of the application, then by law the applicant is considered to have declined registration. All of these unsigned applications are forwarded to each applicable registrar's office to be maintained for 4 years as registration records. [§ 24.2-114](#)(8). In addition, [§ 24.2-422](#) mandates that each registrar send a new application to any applicant whose application was unsigned. Specific instructions on which applications to enter in VERIS can be accessed through the VERIS Portal Page General Information Tab link to Declined-Unsigned DMV Applications.

As with other agencies, the DMV must transmit the voter registration section of the form within five business days according to directions of the SBE. The SBE must then forward them to the appropriate registrar. In some localities, the general registrar has established a permanent staff presence at a DMV customer service center and all voter registration applications are directed to registrar personnel. Other localities have established a program in cooperation with a local DMV customer service center and approval of the SBE to regularly collect and distribute all applications received at one or more DMV location(s).

Voters often conduct business with the DMV through the internet. When completing a qualifying online transaction the voter is given the opportunity to request a voter registration application. *See above*, GREB 9.2.2. Forms are mailed to the voter's address of record for completion and return to the general registrar. For purposes of NVRA, these forms are treated as "mail" applications. Occasionally, voters who complete multiple qualifying transactions at a DMV customer service center will be mailed a registration application at a later date to assure the voter was provided the legally required opportunity to register.

### 9.2.3 Mail Registrations

Voters can register by mailing an application directly to a voter registration office or the State Board of Elections. [§ 24.2-416](#). Voters may also complete an application and give it to a third party (someone other than a sworn registrar or state-designated agency employee) to forward to a voter registration office. Applications received through any form of mail service, including the U.S. Postal Service, Federal Express, United Parcel Service, DHL, or any other mail carrier are considered as received through the mail. Persons entitled to vote absentee under the Uniformed and Overseas Citizens Absentee Voting Act may combine a request for registration with an application for absentee ballots on a Federal Post Card Application (FPCA) or a voted ballot using the Federal Write-In Absentee Ballot (FWAB). *See*, GREB 11.

Applications delivered by third party voter registration drives also are considered mailed applications coded as “S” in VERIS with other state mail in forms. Legislation would be needed to cost justify a separate code for applications submitted through third party registration drives.

Any person who registers by mail and has not previously voted in the locality for which he is registering must vote in person the first time he votes, except in certain circumstances detailed below. [§ 24.2-416.1](#). This vote in person requirement does not apply to mail applications received from persons already registered in Virginia that are transfer applications or updates of information such as name changes or address changes. These individuals are not required to vote in person, provided that they have previously voted in person in Virginia. VERIS should indicate whether the applicant must vote in person.

The following individuals who apply by mail registration are not required to vote in person even if they have never before voted in Virginia:

- Persons entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (generally active duty military, overseas residents, their spouses and dependents; *see*, GREB 11)
- Elderly (defined as age 65 or older) or handicapped (permanently or temporarily) voters who come under the Voting Accessibility for the Elderly and Handicapped Act ([42 USC 1973ee](#) et seq.)
- Full-time students at institutions of higher learning
- Voters voting only for the President and Vice-President ([42 USC 1973aa-1](#), [§ 24.2-416.1](#))
- Any others entitled to do so by other federal law ([§ 24.2-416.1](#))

If VERIS indicates a voter must “Vote in Person,” the system will not allow processing an absentee ballot to mail or email to the voter until an appropriate reason code is selected corresponding to the exceptions listed above. A nonexempt voter who must vote in person may vote by absentee ballot only if they do so in person.

Under the Help America Vote Act (HAVA), any person who registers to vote for the first time by mail after January 1, 2003, must present one form of qualified identification when registering or appearing to vote for the first time in a federal election if no copy was included with their mailed registration application. Federally qualified identification consists of either (1) current or valid photo identification or (2) certain documents containing both the applicant's name and address. The following qualified documents are currently accepted:

- utility bill
- bank statement
- government check or other government document
- paycheck

No prospective voter can be turned away for lack of acceptable identification. SBE's website provides a chart detailing voter identification options under federal and state law. Voters lacking required ID must be allowed to vote provisionally. See GREB 29.

An applicant subject to HAVA ID may have included a copy of an acceptable ID with their voter registration application. If so, the registrar must check the "ID provided" field when entering the registration into VERIS; this will remove the federal ID requirement indicator from the system for the voter. If no document is provided with the registration application, VERIS is designed to indicate the person has a federal identification requirement by stating "Verify ID." In addition, VERIS will automatically attempt to verify the voter's name, social security number, and date of birth with a corresponding record maintained with the DMV. If the voter's registration record matches a DMV record, the voter will no longer have the HAVA ID requirement and the "Verify ID" flag will not appear on the voter's record in VERIS.

**If VERIS indicates a voter has a "Verify ID" requirement, it will generate a voter card with appropriate language on the notes section of the card, mark the pollbook for federal elections with the letter H, and automatically generate required notice for issuing absentee ballots. See, GREB 11.**

Federal law exempts the following individuals who apply by mail registration from the HAVA ID requirement the first time they vote, either in person or by returning an absentee ballot even if they have never before voted in Virginia:

- Persons entitled to vote by absentee ballot under the Uniformed and Overseas Citizens Absentee Voting Act (generally applies to active duty military, overseas residents, their spouses and dependents; *see*, GREB 11)
- Persons eligible under the Voting Accessibility for the Elderly and Handicapped Act ([42 USC 1973ee](#) et seq.)(age 65 or older, permanent or temporary physical disability; *see*, GREB 8)
- Any others entitled to do so by other federal law ([42 USC 15483](#)(b)(3))



**These exemptions from the HAVA ID requirement parallel but differ from broader exemptions from Virginia’s vote in person requirement discussed earlier in this section. It is important not to confuse these different requirements; each may apply to the same voter; Virginia cannot exempt voters subject to a federal ID requirement who must vote provisionally if they lack federally required ID.**

#### **9.2.4 Third Party Registration Drives**

Anyone can distribute and receive registration applications. The SBE is required to furnish a reasonable number of blank applications to any individual or group who requests them. [§ 24.2-416.3](#). Likewise, registrars should be prepared to furnish small quantities of applications to anyone who may request them. If a person or group requests a large number of applications, please refer them to the SBE. Individuals with blank applications can go door-to-door, can set up display boxes with applications at business or other establishments, can distribute applications to members of their organizations, or can otherwise distribute applications, however they wish. Individuals and groups conducting voter drives are not subject to the same restrictions imposed on “official” registration sites conducted by a registrar. Restrictions on official sites not applicable to third parties include prohibitions on conducting registration at events requiring an entry fee to access the registration location or where campaigning is taking place at the same location. [§§ 24.2-412\(C\)](#), [24.2-1003](#).

When the local registrar or electoral board furnishes individuals or groups multiple copies of the voter registration application, they *must* also provide the SBE “[Guidelines for Conducting a Voter Drive](#).” [§ 24.2-416.6](#). The Guidelines provide detailed instructions and best practice recommendations to avoid problems. Individuals may also download the Virginia application from the SBE website and make copies for their own use and distribution. [www.sbe.virginia.gov](http://www.sbe.virginia.gov).

It is highly recommended that registrars be prepared to offer brief training to individuals or groups preparing to distribute and collect applications to forward to registrars. This training should focus on the Guidelines which stress the importance of obtaining accurate and complete information on each application. Training should address the requirement that individuals or groups complete the receipt portion of the application that provides the name of the office, group, or person receiving the application and the date that the office, group, or person received the application from the applicant. The individual receiving the applications from applicants must give the receipt to the applicant upon the completion of the form. No receipt is necessary if the applicant submits the application to a government employee authorized to receive voter registration applications. [§ 24.2-418.1](#).

Third-party registration drives may simply distribute applications and put the responsibility on the applicants to mail their applications to the voter registration office or SBE. A third party that offers to return the completed applications to the voter



registration office must provide the applicant a receipt. In either case, the application must be treated as a mail application.

If the third party offers to return a completed and signed application, return must be made in a timely manner. Failing to deliver a signed application within fifteen days or by the close of registration, whichever comes first, is a Class 1 misdemeanor. [§ 24.2-1002.01](#). SBE's Guidelines prohibit individuals or groups conducting voter drives from copying personal information from applications, consistent with recent anti-identity theft legislation. [§ 18.2-186.3](#). Unlawful use or disclosure of social security numbers or parts thereof is a felony. [§ 24.2-1002.1](#). Unlawful disclosure of other personal information may facilitate identity theft. [§ 18.2-186.3](#).

## **9.3 Timeliness of Applications**

Voter registration for general and primary elections closes at the normal close of business on the twenty-second day preceding the election and remains closed for the twenty-one days preceding the election and on Election Day. For any special election that has been called by the Governor, Speaker of the House of Delegates, President pro tempore of the Senate or by either House of the General Assembly, registration must be closed for Election Day and the six days preceding it. For any other special election, registration must be closed for Election Day and the thirteen days preceding it. [§ 24.2-416](#).

This does not mean that the registrar cannot accept applications during this time, but only that the application cannot be approved and processed until registration reopens the day after the election. All of the information for each application received during the close of books in VERIS may be entered and stored as "Incomplete." This stores all of the entered data for each such application for approval after the election. Entering this information and selecting "Incomplete" will also automatically generate a notice to mail to such applicants to inform them that their applications will be reviewed after the election. Applications may be denied while the books are closed for all such applicants who have not met the qualifications to register or have submitted an incomplete application while the books are closed. Once processed as a denial in VERIS, the system will automatically generate correspondence to be sent to the voter indicating the reason(s) for the denial. This gives the applicant additional time to get in a completed application for the next election. Time is particularly critical when the books will only be reopened for a few days (e.g. between a May general election and the close of books for a June primary). Entering these applications in VERIS will also allow a voter search for these records during the close of books period and on Election Day.

### **9.3.1 Applications Received in Person**

Any application made in a general registrar's office, at a special registration site, at the DMV, or at any state-designated agency must be made no later than the time the office closes on the final day of registration. At closing time, the responsible officer must list

any applicants in line in order that their completed applications may be accepted as timely. [§ 24.2-414](#).

### **9.3.2 Applications Received by Mail**

If an application is received through the U.S. Postal Service (USPS) and is postmarked on or before the final day of registration, the application must be accepted as timely regardless of when it is actually received. If an application is received through the USPS and its postmark is missing, illegible, or has no date, the application must be accepted as timely if received by the fifth day after registration closed.

If you receive a mail application by any other means – through another mail system such as UPS or Federal Express or through a third party – you must receive it by the day and time registration closes, regardless of when it was sent. [§ 24.2-416.4](#).

### **9.3.3 Exceptions to Normal Application Deadline**

Certain categories of citizens are allowed an extended time to register. [§ 24.2-420.1](#). Applicants who fall into any of these categories may register *in person* up to and including Election Day:

- Active duty members of the armed forces or merchant marines and their spouses and dependents residing with them, who meet one of the following criteria
  - are normally absent from the locality in which they reside
  - have been absent from the locality and return to reside there within the twenty-eight days prior to the election ([§ 24.2-420.1](#))
- Persons formerly on active duty in the armed forces, their spouses and dependents (whether or not residing with them), who were discharged during the sixty days preceding the election
- Persons who reside temporarily outside the United States, their spouses and dependents residing with them, who meet one of the following criteria
  - are normally absent from the locality in which they reside; or
  - have been absent from the locality and return to reside there within twenty-eight days prior to the election ([§ 24.2-420.1](#))

Active duty military, spouses and dependents residing with them who because of active duty are normally absent from the locality of their Virginia residence also have an extended time to register by mail. *See*, [§ 24.2-419](#); *see also*, GREB 11.

## 9.4 Applications

There are several different types of voter registration applications. SBE must approve all types of state applications for use. [§ 24.2-418](#). Where available, application forms may be downloaded from the Internet, printed, and used like pre-printed registration applications. A fax submission of an application is not acceptable, except in the case of a Federal Postcard Application (FPCA) (discussed below), or for a change of address or transfer. The following types of official application forms, both current and prior versions, as well as approved Spanish translations, can be accepted:

- Virginia Voter Registration Application
- Department of Motor Vehicles Application
- National Application
- Federal Postcard Application
- Federal Write In Absentee Ballot

### 9.4.1 Commonwealth of Virginia Application

These forms are to be used by mail, in-person, and agency applicants, and can be distributed by the general registrar throughout the locality in display boxes. The SBE may provide these boxes, or registrars may design and purchase their own display boxes. Placement of boxes must be pre-cleared under the Voting Rights Act unless your locality has completed the bail-out procedures.

The version of this application currently in use is titled Virginia Voter Registration Application (VA-NVRA-1). It is an 8 1/2" X 10" form. When properly completed, the form contains all the information necessary to process the application.

This application is available in printed form as part of a booklet containing addresses of all registrars in Virginia and instructions on completing the form. The application is also available for downloading from the [SBE website](#). This form cannot be emailed or faxed to registrars or the SBE (unless being used only as a change of address for someone already registered). It must be downloaded, printed, and mailed because an original signature of the applicant must be on the application.<sup>5</sup> Photocopies of this application are acceptable as long as the signature is original.

Printed forms can be ordered from SBE using the [contact information on its website](#). Please allow one week for a response.

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<sup>5</sup> The only exception is registration by FPCA discussed in Chapter 11. Electronic signatures otherwise cannot be accepted. SBE is working with DMV to increase electronic data transmission pursuant to 2012 legislation amending §24.2-411.1 and may in the future adopt policy or regulation allowing electronic signature.

## **9.4.2 Older Versions of the Virginia Application**

Various versions of the official Virginia Voter Registration Application (VA-NVRA-1) form remain in circulation, including a previous 5" X 11" version (with a 3" X 5" perforated tear-off portion on the left side) used immediately before and after Virginia's implementation of NVRA in 1996. Unless SBE instructs otherwise, registrars may still accept these older applications. However, some of these older applications request information no longer required by law. If using these older forms, registrars should not deny an application for failure to provide information no longer required.

## **9.4.3 Department of Motor Vehicles Application**

DMV prints and uses several different types of voter registration application; all contain the same information and look virtually identical in format:

- An older red and white application (DL1M)
- The Print on Demand voter application
- VA-NVRA-1
- DL1W

Completed forms are sent to SBE for distribution to general registrars.

The DL1M has been used for many years and has been updated throughout the years to include the HAVA requirements along with language for requesting protection of a residence address from disclosure on voter lists.

The Print on Demand voter application is the newest application that replaces a prior two-part DMV application containing the voter application on top and driver's license information on the bottom. The DMV application is for driver transactions and identification cards. When a customer goes into a DMV, they must be asked if they are a United States citizen and if so, whether they want to register to vote or update their voter registration information. If the voter states he is not a citizen, no voter application is printed or given to the customer. [§ 24.2-410.1](#). If customer affirms US citizenship and answers "YES" to voter registration, a Print on Demand voter application is printed immediately with pre-printed customer information. The customer needs to make sure the application is fully completed and signed. The DMV teller will give the customer a DMV acknowledgment form that states, "You have applied to register to vote...."

Like the Print on Demand, the VA-NVRA-1 is printed by DMV. After being printed it is mailed out with the DMV Driver's License renewal application.

The DL1W is a voter application printed at the DMV and mailed to the customer when it is requested by that customer while doing some form of DMV driver transaction over the Internet.

The Print on Demand, VA-NVRA-1, and DL1W applications all contain bar codes. They are scanned at SBE for accountability and then mailed to the general registrars. Scanned applications will appear as records in the DMV Hopper in VERIS, if the local registrar elects to have this done. Upon receipt of the paper application, the general registrar retrieves the record from the Hopper and completes processing (*e.g.*, approve, deny, or save as incomplete).

Regardless of application type, DMV creates an audit log to indicate whether the applicant answered “YES” or “NO” when asked about voter registration. This audit log can be used to determine that an applicant completed a voter registration application and can be used to document submission of a timely registration application in connection with a provisional ballot as detailed in GREB 29.

These forms can only serve to register a person when the applicant signs the registration oath. Unsigned applications are considered declinations and are sent to the registrar to deny and retain. Any application for which the applicant actually wrote “Declined” on the application does not need to be issued a denial notice. Refer to the SBE Guidance Documents: “Declined-Unsigned DMV Applications” for specific instructions on which applications to enter into VERIS.

#### **9.4.4 National Application**

The National application is the mail registration form designed by the [Election Assistance Commission](#) (EAC). It is the form commonly used by groups holding voter registration drives at places where applicants are likely to be from multiple states.

The National form comes with a booklet that explains voter registration requirements for each state. Therefore, even though the form itself does not specify Virginia requirements, the requirements are provided to the applicant with the application. Some of the questions on the Virginia application do not appear on the National application. However, all information required for registration in Virginia is on the form, either in the form of questions or as part of the statement the applicant must sign.

The national application is also available for downloading from the Internet but cannot be emailed or faxed to registrars or the SBE (unless it is only serving as a change of address). It must be downloaded, printed, and mailed because the original signature of the applicant must be on the initial application for registration.

Translations of the National form and instructional booklet are available from SBE and the [EAC](#) website. *See*, GREB 8. Armed Forces recruitment offices use a variant of the National form. It is printed in red and is labeled “DD 2644” in the corner.

#### **9.4.5 Combined Voter Registration and Absentee Application-- Federal Post Card Application (FPCA) and Federal Write-In Absentee Ballot (FWAB)**

Overseas citizens and members of the armed forces use these applications. They are available in any U.S. embassy or military installation worldwide and from the website of the [Federal Voting Assistance Program \(FVAP\)](#).

The FPCA is commonly called the “FPCA” or “SF-76,” and was redesigned in 2011. Various older versions of the card are still acceptable.

FPCA forms serve as applications both for voter registration and for absentee ballots. Forms received for both purposes should be photocopied with the original form retained as the registration application, and the photocopy as an application for absentee ballots.

Unlike other registration application forms, the FPCA can be sent by fax or scanned email attachment to registrars or the SBE, for all purposes. SBE regulation 1 VAC 20-40-80 allows the faxed or emailed FPCA to suffice without mailing the original.

The Federal Write-In Absentee Ballot (FWAB) is designed for use as a backup ballot if a timely requested absentee ballot does not arrive in time. The FWAB, commonly called the federal “backup” ballot, was last revised in 2011 and includes a registration application page similar to the FPCA. Recent Virginia legislation allows using the FWAB is for all elections in which the voter is eligible to vote. [§ 24.2-702.1](#). The FWAB is also available for download from the [FVAP](#).

*See*, GREB 11.

#### **9.4.6 Application Origin Codes**

Registrars use codes in VERIS to identify the source of each voter registration application. Codes to be used for identifying these sources in VERIS are as follows:


Code	Application Source
A	Public Assistance Agencies
C	Disability Agencies
D	Discretionary Agencies
F	Federal Form (FPCA or FWAB)
I	Voter Card
M	Military Recruiting
N	National Form
P	In-Person Before A Registrar
S	State Mail In
O	Other Document/Information
R	Confirmation Notice

R	Confirmation Transfer
V	Department of Motor Vehicles

## 9.5 Procedures upon Receipt of Voter Registration Applications

### 9.5.1 Determine Which Applications Belong to Other Localities

Registrars will likely receive some applications that are not for their locality. The registrar must determine to what locality these applications belong and forward them to the appropriate voter registration office. [§ 24.2-114](#). If the registrar is uncertain about the correct locality, calling the registrar in the locality where the application may belong may help.

-  It is not up to the original registrar to determine if such applications are complete and acceptable. Only the registrar in the locality for which an applicant is applying for registration can make that determination.

The original application should be forwarded immediately to the correct locality by first class mail within twenty-four hours of receipt. The sending GR must indicate to the receiving GR the origin of the application by a note attached to each application or a cover sheet (similar to that used by the SBE) for a group of applications indicating the common origin of the applications.

General registrars should make a file copy of any forwarded application to document compliance with HAVA prompt processing standards. [42 USC 15483\(a\)\(1\)\(A\)\(vi\)](#) (“expedited” basis upon receipt).

#### 9.5.1.1 Forwarding Applications near the Registration Deadline

Applications received during the final two days before the close of registration that belong to another locality – and those received after the close of registration but that appear to be timely – should be transmitted by using one of the following methods:

- Fax the application to the appropriate locality and mail the original application making a photocopy of each before sending. Remember to redact social security number before faxing or emailing unless the email is encrypted. [1 VAC 20-20-20](#).
- Arrange to deliver the applications in person.

The original applications should also be forwarded.

#### 9.5.1.2 Ensuring Receipt

File copies of applications forwarded by mail assures that a record of the application exists in case it becomes lost in delivery. GRs should confirm receipt by conducting a VERIS search for the social security number in Active, Incomplete and Rejected statuses. If a reasonable period of time has passed and VERIS indicates no record of action by the receiving registrar, the forwarding registrar should call to determine if the application has been received. Delivery confirmation service may also be considered.

## **9.5.2 Determine Application Completeness**

Applicants must provide the following information on the voter registration application form for new voters ([VA Const. II, 2](#)):

- Full name
- Date of birth
- Social Security number (if any)
- Residence address
- Whether the applicant is a U.S. citizen

The Virginia application must request the following additional information ([§ 24.2-418](#)):

- Gender
- Place of last previous registration to vote
- Whether the applicant has ever been adjudicated incapacitated or convicted of a felony, and if so, under what circumstances the applicant's right to vote was restored

It is the responsibility of the registrar of the locality of the applicant's residence to determine whether the applicant completed all required information on the application. A completed application is required in order to register a new applicant for voter registration. A fully completed application is not necessary to transfer or change the address of a currently registered voter. A currently registered voter only needs to submit (in person, mail, email, or fax) a signed statement in order to update or transfer his or her registration. SBE is working with DMV to increase electronic communication of registration information received at DMV under 2012 legislation amending [§24.2-411.1](#).

Registrars receive many applications that do not contain all of the information required and have the legal duty to deny any application from a *new* applicant (a person who is not already registered) that is incomplete when received. Board regulation [1 VAC 20-40-70](#) approved in 2011 restates Board policies governing incomplete applications for registration. The regulation implements federal law ([42 USC 1971](#) (a) (2)) by identifying certain information as neither material to determining voter qualification nor required by the Code of Virginia, and prohibits a registrar from denying an application for the failure of an applicant to provide any of the following information:

- daytime telephone number



- gender
- a description of their rural address
- mailing address if different than residence
- the date of their application
- whether the applicant is interested in working as an election official
- whether the applicant is eligible to require excluding their residence address from registered voter lists provided to third parties
- whether the applicant has a disability that requires accommodation in order to vote

If any nonmaterial missing information is obtained, the registrar must add the information manually, with their name, and date on the reverse side of the form to indicate that the general registrar made the alteration. However, the registrar may not change information provided by the applicant on the application without a signed writing from the applicant. [1 VAC 20-40-70](#).

Board Regulation 1 VAC 20-40-70 also addresses middle names. Because the Code of Virginia requires the full name and a middle name may be material to determining voter qualification, registrars are required to do the following:

- As far as practical, attempt to contact the applicant and obtain their middle name or lack thereof in order to determine if the application is complete.
- If the applicant indicates that they have no middle name, the registrar shall process the application.
- If the applicant indicates that they have a middle name, the registrar shall inform the applicant that the middle name is required, deny the application, and send the applicant a new application.
- If the registrar is unable to contact the applicant, they are therefore unable to determine if the application is incomplete, they shall give the benefit of doubt to the applicant and process the application.

#### **9.5.2.1 How to Process Incomplete Applications**

Incomplete applications must be processed in VERIS to: update a currently registered voter's record if the application is signed; deny a new or currently registered voter's application because required information is missing; or enter an application as "Incomplete" while attempting to contact the applicant to gather the missing information.

VERIS allows the registrar two ways to determine whether an applicant is currently registered when processing an incomplete application:

- Searching for the applicant on the "Voter Search" page by a number of criteria including the voter's name, SSN, or portion thereof

- Selecting “Add Voters” from the VERIS navigation bar and enter the information that is present on the application. Once the “Process” button is selected, the system will search for and return any duplicate registrations.

If the voter is currently registered, the registrar must accept the application and update the voter’s registration if the incomplete application contains new information and is signed. If the application contains no new information, it should still be accepted which will show as a duplicate or re-registration with no new information or updates. If the new application indicates any new information that would serve to cancel the voter’s registration such as felony conviction or adjudication of incapacity without a restoration of rights, then the registrar must deny the application and cancel the voter’s registration. If the registrar determines that a potential duplicate matches the voter on the application, the existing voter registration should be updated with information from the signed, incomplete application.

If the applicant is not currently registered in Virginia, the registrar may not “Approve” the registration until complete information is received. The application should be saved as “Incomplete” in order to contact the applicant and obtain the missing information over the phone if possible; otherwise, the application must be denied. When denying such an application, “Incomplete” should be selected as the reason for denial with the appropriate boxes checked to indicate what information was missing. This will automatically generate a denial notice to send to the applicant that lists the specific items that were incomplete. If the application is unsigned, the new application containing new registration information must be denied regardless of whether the applicant was currently registered. A new application must be sent with the denial notice if the applicant was eligible for registration.

Duplicate applications/records should be filed in the appropriate cancellation or change file and retained for the prescribed retention period. See GREB Chapter 6.

#### **9.5.2.2 Cancellation of Current Registration**

This section of the voter registration application requires the applicant to indicate whether or not he is currently registered to vote at another address.

If the applicant indicates a current registration in Virginia, this section can be disregarded because processing the application will automatically transfer the voter’s registration from the other Virginia locality. If the voter applied using the standard Virginia registration form, the “previous registration” portion of the application can be removed but must be retained until destruction is authorized in compliance with the GS-01 records retention schedule. *See*, GREB 6. The receiving registrar need not inform the registrar in the applicant’s former locality because VERIS automatically transfers the applicant from the old locality and informs the registrar there of the transfer. If the applicant indicates a current registration outside Virginia, follow the instructions in part 9.6.4 below for processing an out-of-state cancellation.

### **9.5.2.3 U.S. Citizenship/Age qualifications**

On the current Virginia Voter Registration Application, as required by federal and state law, box #2 asks, “Are you a U.S. citizen?” If the applicant answers “no” but completes the rest of the application and signs it, the application must be denied by selecting the “Deny” button in VERIS and selecting or entering the reason for the denial. This will automatically generate a notice of denial to send to the applicant. If the applicant does not answer the question but completes the rest of the application and signs it, the application should be marked as “Incomplete” in VERIS and the applicant contacted (by telephone or letter) in order to request affirmation of citizenship. An applicant can affirm their U.S. citizenship by signing the registration statement. It is incumbent on registrars to do all that is possible to assure that applicants understand the U.S. citizenship requirements and do not sign without reading or understanding the application. Registration by noncitizens is subject to prosecution under federal and state laws. [18 USC 1015\(f\); § 24.2-1004.](#)

This section also asks the applicant “Will you be 18 years of age on or before election day.” If the applicant does not answer this question the registrar may always determine if the applicant is or will be 18 years old by the date of the election by reviewing the date of birth located in box #5 of the application. If the date of birth is not completed, the registrar may attempt to contact the applicant by phone or letter to obtain a signed statement or send the voter a denial notice. If able to obtain a signed affirmation of citizenship or date of birth to determine the applicant’s age, the incomplete application in VERIS can be entered as “Approve” to register the otherwise qualified voter. If the applicant cannot be reached, the application must be denied selecting the “Deny” button in VERIS and selecting or entering the reason for denial. This will automatically generate a notice of denial to send to the applicant.

### **9.5.2.4 Social Security Number**

The Social Security Number (SSN) is used in order to track, search, and identify an individual in VERIS. SSNs are not guaranteed to be unique and the Social Security Administration has advised that individuals may share the same valid SSN. VERIS, in order to comply with the requirements of HAVA, will accept the SSN for internal tracking and searching purposes, but will assign a truly unique identifier or Voter ID to each voter registered in the system. This assigned Voter ID protects each individual’s vote against improper dilution and helps detect duplicate registration and fraud.

It is extremely rare for a U.S. citizen not to have a SSN. If the applicant is not currently in VERIS and has written “none” in the space for the SSN, the application should be accepted and entered in VERIS with the SSN field left blank. Select the “Applicant has not been issued SSN” checkbox when processing the application in order to “Approve” the application and register the otherwise qualified voter. VERIS will generate a unique

“Voter ID.” However, if the space for the SSN is simply left blank, and the applicant is not currently in VERIS, the application should be denied as “Incomplete”. Then, select the checkbox for missing SSN. This action will automatically generate a notice of denial to send to the applicant stating that the SSN was missing. If, in response to this letter of denial, the otherwise qualified applicant states that he has no SSN, then the application can be accepted and VERIS will generate a unique “Voter ID.”

Occasionally an applicant will object to being required to providing his or her SSN in order to register to vote. The applicant might even suggest that it is against federal and/or state law to require disclosure of an individual’s SSN. The Privacy Act notice on all registration forms addresses this objection.

The federal Privacy Act of 1974, and Virginia’s Government Data Collection and Dissemination Practices Act (“Data Act”) both require that applicants be informed of the legal basis for requesting the SSN and its possible uses. [5 USC 552, § 2.2-3800](#) et seq. The notice on Virginia’s registration application cites the Virginia Constitution as the legal basis and further explains that Virginia is among the few states allowed to collect the full SSN for voter registration under a “grandfather” exception to the general federal law prohibition. [VA Const. II, 2; 5 USC 552\(a\)](#) note.

This explanation, delivered pleasantly, courteously and in keeping with the registrar’s mission to help people with voter registration, should address most objections and result in the applicant providing his or her full social security number. Applicants may also be informed that unauthorized use or disclosure of applicant social security numbers or parts is a felony. [§ 24.2-1002.1](#). Applicants who continue to refuse may be informed that law requires that their application must be denied and they have the right to appeal the denial to the circuit court. [§ 24.2-422](#). Denial letters provide this information.

- ❖ The full SSN is only required for the voter's original registration. It is not required for a transfer or a change of name/address. Forms for these transactions may have a space requesting the SSN on an optional basis to facilitate processing. Most voters will provide the number if asked. But, a transfer or change application from a voter who omits his SSN must still be processed and cannot be denied for lack of a social security number.

#### **9.5.2.5 Gender**

In VERIS, the registrar may enter an applicant’s gender as male, female, or unknown. If an applicant has not answered this question, the GR must make the best determination possible based on the first name of the applicant. If the registrar cannot make that determination, the applicant may be contacted. If neither a determination can be made nor the applicant contacted, “unknown” may be selected in order to approve the application and register the otherwise qualified voter. No application may be denied for failure to indicate gender under Board Regulation [1 VAC 20-40-70](#) discussed above.

#### **9.5.2.6 Date of Birth**

An applicant must be at least age 18 on or before the day of the next general election. *But see above*, GREB 9.1.1 (describing the exception to age requirements for presidential primaries). VERIS will automatically provide an alert if an applicant is not 18 before this date and, if so, “Deny” the application. The system will automatically generate a notice of denial stating this reason.

#### **9.5.2.7 Full Legal Name**

Many applicants enter their middle initial instead of middle name. For some applicants, the initial is their middle name. Some applicants have no middle name. In order to determine if the applicant has a more complete middle name than appears on the application, the registrar can either perform a “Voter Search” or after entering information on the “Add Voters” page, select “Process” for a system search for duplicates. If the registrar determines the applicant is already registered with a middle name, that registration only should be updated. DMV data, if available, can also be checked to see if the applicant has a more complete middle name on file at the DMV.


Alternatively, the registrar can try to contact the applicant. If the registrar can obtain a more complete name, it should be used when entering the applicant in the VERIS. If the registrar cannot get a more complete name, Regulation [1 VAC 20-40-70](#) requires accepting the name as printed on the application. *See above*, GREB 9.5.3.

#### **9.5.2.8 Residence/Home Address**

Applicants must provide their house number and street name, or rural route and box number. A post office box can never be accepted as a home address, nor can the address of a mailing service or a business office (unless the applicant actually lives in the office).

An applicant who lives in a rural area and receives mail at a post office box may not have a rural route and box number. Such applicants should enter the number of the highway on which they live. Any applicant who does not have a house number/street name should, in the space provided, enter enough description of the location of his home to enable the registrar to determine his precise location for precinct assignment purposes.

Any applicant who gives a residence address that does not also serve as a mailing address should supply a mailing address in “Mailing Address” space. While the Code does not specifically require this information, it is needed so that the registrar may send a voter card and other legally required mailings to the applicant. The address of a mailing service is acceptable here.

-  PO Box addresses are only acceptable when the applicant cannot receive mail at their residence address (e.g., the residence address is not

deliverable by the U.S. Postal Service) or when the applicant is a protected voter (see next section). This address does not have to be in the locality of residence but protected voter alternative PO Box addresses must be in Virginia. [§ 24.2-418](#).

Additionally, the applicant should check either “City” or “County” and write the name of the locality where he is registering to vote. A registrar should not deny an application for the failure of an applicant to provide this information as the box merely serves as an administrative convenience and is not material to determination of the applicant’s qualification to vote. *See above*, discussion of Board Regulation [1 VAC 20-40-70](#).

#### **9.5.2.9 Conviction of Felony – Restoration of Rights**

This section of the application asks the applicant three questions:

- Have you ever been convicted of a felony?
- If yes, have your voting rights been restored?
- If yes, when were your rights restored?

If the applicant answers “yes” to the first question but does not answer the other two, the application must be denied by selecting the “Deny” button and then selecting the appropriate reason for denial. This action will automatically generate the notice of denial to send to the applicant. If the applicant answers “yes” to the first two questions but does not provide a date of restoration, the application may be denied or put on hold to obtain further information from the applicant. Entering the application information into VERIS and selecting “Incomplete” will allow requesting the additional information needed. If the required information cannot be obtained, the application must be denied by selecting “Deny” with the appropriate denial reason to generate the denial notice to be sent to the voter. If all three questions are answered affirmatively with the restoration date provided, the application should be approved if the applicant is otherwise qualified. *See above*, GREB 9.1.3 (discussing the impact of felony convictions on the right to register).

#### **9.5.2.10 Circuit Court Judgment of Incapacity**

Similar to the felony question, this section of the application asks the applicant three questions:

- Have you ever been judged to be incapacitated?
- If yes, has court restored you to capacity?
- If yes, when restored?

If the applicant answers “yes” to the first question but does not answer the other two, the application must be denied by selecting the “Deny” button and then selecting the appropriate reason for denial. This action will automatically generate the notice of denial

to send to the applicant. If the applicant answers “yes” to the first two questions but does not provide a date of restoration, the application may be denied or put on hold to obtain further information from the applicant. Entering the information into VERIS and selecting “Incomplete” will allow requesting the additional information needed. If the required information cannot be obtained, the application must be denied by selecting “Deny” and then the appropriate denial reason to generate the denial notice to be sent to the voter. If all three questions are answered, affirmatively with the restoration date provided, the application should be approved if the applicant is otherwise qualified. *See*, GREB 9.1.4.

### 9.5.2.11 Signature and Date

The applicant must sign the application in the box provided. By signing, the applicant is affirming the following registration statement:

**I swear/affirm, under felony penalty for making willfully false material statements or entries, that the information provided on this form is true. I authorize the cancellation (entered in Box 7 below) of my current registration and I have read the Privacy Act Notice on the front of this form.**

Failing to enter a date does not invalidate the application. However, failing to sign the application does require that the unsigned application must be denied as incomplete. An applicant unable to sign due to physical disability may make a mark or an assistant may sign the application, including their name and address below the signature line. [§ 24.2-418](#). A small checkbox below the signature line allows the applicant to request assistance with voting.

The GR accepting an application for registration enters the date of acceptance on the application form as follows:

- Standard Virginia Voter Registration Application form (VA-NVRA-1): This form includes a “For Office Use Only” area for the GR to enter the date of accepting the registration application with other helpful information the GR may want to enter such as precinct name or number or the town code, if applicable.
- Federal forms (National, FPCA, FWAB): the GR must enter the date of registration on any available space on the form.

The registration date in VERIS will automatically default to the date of data entry for a new voter and will remain the original registration date for an existing voter but may be changed if necessary. In general, this should be the date that the registrar accepted the application and deemed it complete. As discussed above in Part 9.3, the Code of Virginia provides limited exceptions to this rule (§§ [24.2-415.1](#), [24.2-416.4](#), [24.2-419](#), [24.2-420.1](#)):



- Any valid application received in person by one registrar and forwarded to another registrar should show the date received by the first registrar as the registration date;
- Any valid application received in person at the DMV or any other state-designated agency should show the date it was received by that agency as the registration date;
- Mailed applications that are complete and show a timely postmark before the deadline or applications lacking a postmark received by mail within 5 days after the deadline are considered timely and should show the final day of registration as the registration date (unless eligible for extended registration for certain military and overseas voters);
- A military or overseas application eligible for extended registration must be entered regardless of the close of books. See GREB 11.

#### **9.5.2.12 Daytime Telephone Number**

An applicant is not required to provide this information. However, it is very helpful in case needed to contact the applicant.

#### **9.5.2.13 Interest in working as an Election Official**

If the applicant checks the box at the bottom of the form expressing interest in working as an election official, this information is entered into VERIS by checking the “Poll Worker Interest” box when adding the voter to the system. By storing all interested poll workers in the system, they may be located quickly later.

#### **9.5.2.14 Protected Residence Address**

Eligible voters are allowed to request that their residence addresses not appear on lists provided for public inspection. [§ 24.2-418](#). These voters may instead provide a post office box within Virginia and are responsible to communicate changes in this address. Statutory eligibility for address protection extends to the following:

- Active or Retired Law Enforcement Officers
- Persons Under Protective Court Orders
- Threatened or Stalked individuals who have filed a complaint with a law enforcement official ([§24.2-418](#))
- Participants in the Address Confidentiality Program provided in [§ 2.2-515.2](#)
- Active and retired federal and Virginia justices and judges and attorneys employed by the United States Attorney General or Virginia Attorney General
- Members of the household of an eligible individual.



Applicants in any of these categories can, by law, have their residence address suppressed on the poll book, registered voter list, the list of those who have voted, absentee applicant lists and any other registration records available for inspection by third parties. [§§ 24.2-405](#), [24.2-406](#), [24.2-418](#), [§24.2-444](#), 24.2-706, 24.2-710. If an applicant has claimed protected status on the application form and provided a Virginia P.O. Box address anywhere in the Commonwealth, then the registrar must indicate this protected status on the “Add Registration” page of VERIS by checking the appropriate box for protected voter. If no P.O. Box address was supplied, the GR should contact the applicant to explain this provision of the law and give the applicant the opportunity to provide the needed information. VERIS requires that the registrar enter a P.O. Box in the mailing address field in order to process and approve an application once the protected voter status box is checked. Board regulation 1 VAC 20-40-10 allows use of USPS and other commercial mailboxes as an alternative address for publication in lists.

#### **9.5.2.15 Disability that Requires Accommodation**

If this checkbox is checked on the application, the appropriate checkbox on VERIS should be checked to indicate the voter has a disability which requires an accommodation to vote. This action will exempt the voter from HAVA ID and Virginia Vote in Person requirements.

## **9.6 Processing a Valid Voter Registration Application in VERIS**

### **9.6.1 Entering applicants on VERIS**

If processing just one or two applications (*i.e.*, not a stack of applications), start with a “Voter Search.” If the voter exists, select that voter and then select “New/Update” from the navigation tree to update the voter’s record. If the voter does not exist, select the “Add One” voter to add just the one voter at a time.

If processing applications in a batch (*i.e.*, a stack of applications), select “Add Voters” from the navigation tree and add voters in batch mode. Enter all information from the application in the applicable fields on the “Add Registration Screen.” Select the “Process” button before approving the application. Processing allows the system to check for felony, incapacitated, death, and duplicate matches; it also attempts to match records with DMV records for mail in applications to remove the HAVA ID requirement. Once satisfied the voter does not match any of these prohibited or duplicate records, the “Approve” button can be selected to register the voter and generate a voter card.

### **9.6.2 E&V Report**

Upon receipt the next day of the Error and Validations (E&V) Report, the registrar must verify the accuracy of the information entered into VERIS. If the information is correct, the application is filed in the “Current Registrants” section of the local file system. To correct any erroneous information take the following steps:

- Use the VERIS “Correction” screen. After searching for and selecting the appropriate voter, this screen is used to correct all necessary information, process the application, and then approve the applicant.
- Any erroneous voter card that the registrar has already printed should be located and destroyed securely method by shredding.

### **9.6.3 Correspondence**

Once an application is approved, VERIS will automatically generate voter cards and any other information necessary to send to the voter. This material can be printed off in batch mode or individually. It is best to wait until verifying the accuracy of the data entry before printing voter cards. Any cards needing to be removed due to error can be removed before printing by removing the page from the print job. Corrections can also be added so that only the revised, correct voter cards will print in that batch.

### **9.6.4 Processing an Out-of-State Cancellation**

If the applicant has indicated registration in another state, the election authorities in that state should be notified that the individual is now registered in Virginia. [§ 24.2-114](#).

There are several ways the registrar may provide notice:

- Standard Virginia Application--the bottom portion of the registration application (containing Box #7) is sent to the election authority in the state or locality in which the applicant was previously registered, retaining a copy of the part sent. [§ 24.2-114 \(8\)](#). The addresses of all state election authorities may be found in the instructions for the Federal Voter Registration Application on the EAC website. The form should be accompanied by a short form letter stating that the individual is now registered in a locality in Virginia.
- A photocopy of the application with all but the last four of the social security number hidden is sent to the previous voting official with a short form letter. It is important to include the part listing the individual’s previous registration address.
- The registrar may wish to create a computer program that will produce letters, or email notification addressed to the appropriate election authorities, which include

the names of the affected individuals and their previous addresses. This method is particularly time and cost-effective in larger localities with numerous out-of-state cancellations to process.

Regardless of the method used, it is important that the appropriate election authorities are notified in a timely manner. These authorities must receive notification before their next election.

## **9.7 Denying a Registration Application**

There are several reasons for denying an application:

- The applicant has provided incomplete information on the application.
- The applicant has provided information that indicates he is not qualified to register (*e.g.*, too young, convicted felon, or not a citizen).
- The applicant did not sign the application.
- There is reason to believe that the applicant has not yet moved to the address given. A registrar cannot accept a registration application until the applicant has actually begun residence at the address given.
- There is reason to believe that the applicant no longer lives at the address given.
- The registrar determines the applicant matches a prohibited voter record.

The following sections provide procedures for denying an application.

### **9.7.1 Mark Application**

If using the standard Virginia application, enter the date of denial and the reason for the denial in the space provided in the application. If using other application forms write the date and reason wherever you can find space on the form.

### **9.7.2 Enter application into VERIS**

Applications can be entered in VERIS either by first completing a “Voter Search” or going straight to the “Add Voters” page as noted above.

After the application to be denied is entered, the “Deny” button is selected with the appropriate reason for denial from the drop down box. Space is also provided for any other comments needed. If the denial reason selected is “Incomplete,” the appropriate boxes are checked to indicate what was missing.

The system will automatically generate denial notices listing the reason for denial selected and will insert any other comments provided. These letters can be printed

individually or in batch mode. Selecting batch reporting allows selecting the appropriate Voter Registration Acknowledgment report and either printing all letters or selecting individual letters to print.

By entering all denied applications and entering the NVRA Tracking ID, it is not necessary to keep a separate tally of all denied applications. VERIS will be able to report the number of denials entered for each Application Origin Code. VERIS will also enable the registrar to search for all denied applications.

### **9.7.3 Copy and File**

Make a photocopy of the letter of denial and mail the original to the applicant.

- ❖ If the applicant was denied due to incomplete information, include a new application form with the mailing. If the applicant was denied due to a felony conviction, include an [information sheet](#) from the Secretary of the Commonwealth that describes procedures for applying for restoration of voting rights.

File the denied application in the “Deleted and Denied” section of the local applicants’ file. (Some jurisdictions keep two sections – one for deleted registrants and one for denied applications.)

File the copy of the denial letter in a folder or binder marked “Denial Letters.” One file should be kept for each calendar year. The general registrar is required to maintain all such material for four years. [§ 24.2-114\(8\)](#), GS-01. See GREB 6.